

REMARKS

Applicant has fully considered the further Office Action of January 21, 2004 including the Examiner's new basis for rejection of the remaining claims of this application. In consideration thereof Applicant by the present Rule 116 amendment has further amended the claims of this application to fully and properly distinguish the art bases cited in the further rejection. It is believed, in part because a new rejection was imposed, that entry of this amendment would be appropriate under rule 116 of the Rules of Practice, and accordingly such entry and favorable disposition are respectfully requested.

Applicant in addition to amending the claims of this application to fully and patentably distinguish all cited art, has rectified the informalities cited by the Examiner and is believed that these are all now properly removed.

It is believed appropriate to again review, perhaps with certain pertinent emphasis the distinguishing aspects of the present invention. This is in order to render clear that the new basis for rejection is not deemed appropriate. With reference then to the present invention, it is contemplated that the initially posting person utilizing the bulletin board shall be an identified (usually well known) person, not someone whose identity is withheld from the person who then considers the entry at the bulletin board. A further feature is of course that the person responding to the posting furnishes a gift or other consideration to the posting person in order to then be apprised of the posting person's address. These are the central facts of the present invention. Examples are given in the present specification of how this procedure is to function and explanations of the need for such a procedure are also given. For example the posting person may be an entertainer or sports personage or the like, so that the

viewer is fully familiar with and knows the person, but then wishes to communicate with that person and thus to obtain the address of such person. In the absence of the gift or consideration procedure that address is not furnished by the system.

A further key point which is now emphasized in the amended claims is that upon the giftor furnishing the gift through the system and that gift being confirmed by the system, the address of the posting person is directly provided by the system to the giftor. No communication, such as permission or instructions from the posting person are required in order for this to be brought about. The significance of this will be indicated shortly.

The Examiner's rejection of the claims is now predicated on the Oshima patent in view of the Ewing published patent application, each reference being of record. The reference to Oshima has been fully discussed in Applicant's earlier Amendment. The Examiner concedes that the reference does not specifically disclose means responsive to the payment completion before notifying the visitor of the mail address of the posted person. It has been already pointed out that Oshima is directed at a basically different situation, *i.e.*, one in which the giftor is concerned with sending gifts to a bride at a wedding or so forth. Obviously such a giftee is well known to the giftor, who is also well aware of the giftees' address, indeed likely being an invitee to the wedding or similar event.

The Examiner seeks to overcome the shortcomings of Oshima by a combination with the reference to Ewing, and cites Ewing paragraph 0088 to ostensibly show that Ewing provides a step to notify the giftor of a mail address of the posted person by using the storage unit. From this the Examiner concludes that a combination of the two references would render the Applicant's invention obvious. Applicant respectfully traverses this conclusion for the reason that the teaching which the Examiner states as present in Ewing is in fact not present.

With respect to Ewing the fundamental point that must be kept in mind is that the system there is designed and configured to deal with parties who (as is pointed out at length in that specification) initially know each other at best only by pseudonyms, such as by email addresses. The whole idea of the system in Ewing is to enable the parties to maintain anonymity for as long as they wish, and the system specifically provides for such anonymity to be maintained until the parties consent to identification. The paragraph cited by the Examiner actually deals with what occurs after the giftor sends a gift to the then anonymous giftee. Specifically what occurs is that the system effectively goes back to the giftee and asks for instructions, including such as whether transmission of the giftee's true full name and address is to then be provided to the giftor. This is most assuredly what does not occur in Applicant's invention. Rather in Applicant's invention once the system confirms that the gift has been made the address of the giftee is directly provided to the giftor, so that communication may then be opened as desired by the giftor. Thus it will be clear that there is in fact no basis for combination of the references cited by the Examiner to yield the Applicant's inventive system and method.

In order to emphasize the distinctions just referred to Applicant has amended the claims of this Application (see *e.g.*, the broadest system claim 5) to render the distinctions clearer. Specifically it is now carefully recited first that the posting person is one who is identified at the posting. (This certainly distinguishes the anonymous system of Ewing.) Secondly Applicant has amended the last paragraph in claim 5 to indicate that the means responsive to payment completion for notifying the visitor of the mail address are directly responsive to the payment completion.

On the last point; while Applicant does not favor the use of negative limitations Applicant would be amenable to adding in to the last sub paragraph of claim 5 following the

phrase "payment completion" the phrase "and requiring no coordination with said identified person" if the Examiner would deem this necessary to further emphasize the crucial point just discussed. Applicant invites the Examiner to telephone the undersigned if such a further amendment would deem to emphasize the distinction discussed.

It is submitted in view of the amendments offered and of the foregoing remarks, that all objections to patentability have now been properly overcome; and it is accordingly respectfully requested that favorable reconsideration and an early notice of allowance be provided. Please also be advised that the Commissioner is authorized to charge any extension fees that may arise in considering this Amendment against the Applicant's Deposit Account

No. 11-1153.

Respectfully submitted,



Stefan J. Klauber
Attorney for Applicant
Registration No. 22,604
KLAUBER & JACKSON
Continental Plaza
411 Hackensack Avenue
Hackensack, NJ 07601
(201)487-5800

Dated: April 14, 2004